

U.S. Application Serial No. 10/725,951
Slowinski, P.
Response to Office Action dated October 18, 2005

REMARKS

The Office Action rejects claims 3-21 under 35 U.S.C. 102(b) as being anticipated by Rice (US Patent 4,305,579). The Office Action further rejects claims 3-21 under 35 U.S.C. 102(b) as being anticipated by Rice (US Patent 4,836,538). The Office Action further rejects claims 3-21 under 35 U.S.C. 102(b) as being anticipated by Rice (US Patent 4,385,761). The Office Action further rejects claims 3-6, 9-12, 14-16, 19, and 21 under 35 U.S.C. 102(b) as being anticipated by Gilman (US Patent 5,433,690). Applicant has amended the claims to more clearly distinguish over the prior art references.

Claim 3, as amended, recites a mechanical system for exercising target oblique muscles of a body, comprising a base and a stationary neck rigidly coupled to the base to prevent rotation of the stationary neck with respect to the base. A handle is coupled to a distal end of the stationary neck. A platform is in rotational contact with the base. A divider is aligned along a centerline and rigidly coupled to the platform. The divider has first and second opposing vertical faces of fixed height extending upwardly from the platform. A user maintains upper body substantially stationary by holding the handle and applies forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base and exercise the target oblique muscles.

The Rice '579 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height extending upwardly from the platform. In

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Rice '579, the pads 36 and platform 37 do not have first and second opposing vertical faces. Moreover, the exercise equipment in Rice '579 is not compatible with a user maintaining his or her upper body substantially stationary by holding the handle and alternately applying forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base. Rice '579 does not show any divider aligned along a centerline of the platform and does not have first and second opposing vertical faces to which to apply pressure to rotate the platform. The claimed arrangement of the handle coupled to the stationary neck in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside portion of his or her foot is a unique and effective way of exercising the target oblique muscles. In Rice '579, the forces applied pads 36 are not normal to any first and second opposing vertical faces. The form of exercise in the present invention is believed to be superior to that taught by Rice.

The Rice '538 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height extending upwardly from the platform. In Rice '538, the foot braces 34 are not aligned along a centerline of the platform. Moreover, the exercise equipment in Rice '538 is not compatible with a user maintaining his or her upper body substantially stationary by holding the handle and alternately applying forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to

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the base. The claimed arrangement of the handle coupled to the stationary neck in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside portion of his or her foot is a unique and effective way of exercising the target oblique muscles.

The Rice '761 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height extending upwardly from the platform. In Rice '761, the foot rests 19 do not have first and second opposing vertical faces. Moreover, the exercise equipment in Rice '761 is not compatible with a user maintaining his or her upper body substantially stationary by holding the handle and alternately applying forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base. Rice '761 does not show any divider aligned along a centerline of the platform and does not have first and second opposing vertical faces to which to apply pressure to rotate the platform. The claimed arrangement of the handle coupled to the stationary neck in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside portion of his or her foot is a unique and effective way of exercising the target oblique muscles. In Rice '579, the forces applied foot rests 19 are not normal to any first and second opposing vertical faces. The form of exercise in the present invention is believed to be superior to that taught by Rice.

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The Gilman reference at least does not teach or suggest a stationary neck rigidly coupled to the base to prevent rotation of the stationary neck with respect to the base. In Gilman, the handle and neck are allowed to rotate which defeats an important aspect of the exercise provided with the present invention. Moreover, Gilman does not disclose a divider rigidly coupled to a centerline of the platform with first and second opposing vertical faces of fixed height extending upwardly from the platform. The center fence in Gilman is not rigidly coupled to the platform nor is it fixed in height but rather retracts into the platform when depressed with a force. The reason for this retraction feature is that Gilman is not using fence 16 as a divider to apply rotational force. Rather Gilman teaches the user to jump over the fence 16 as part of the exercise program. Thus, fence 16 cannot be same as the claimed divider aligned along a centerline and rigidly coupled to the platform and having first and second opposing vertical faces of fixed height extending upwardly from the platform. The exercise equipment in the Gilman reference would not allow a user to maintain upper body substantially stationary by holding the handle and then apply forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base and exercise the target oblique muscles. The retraction feature of fence 16 would oppose such action. The form of exercise in the present invention is believed to be superior to that taught by Gilman.

Claim 3, as amended, is believed to patentably distinguish over the Rice '579, Rice '538, Rice '761, and Gilman references.

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Claims 4-8 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Claim 9, as amended, recites an exercise machine, comprising a base and a stationary shaft rigidly coupled to the base to prevent rotation of the stationary shaft with respect to the base. A handle is coupled to the stationary shaft. A platform is in rotational contact with the base. A divider is aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider.

The Rice '579 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. In Rice '579, the pads 36 and platform 37 do not have first and second opposing vertical faces. Moreover, the exercise equipment in Rice '579 is not compatible with using the divider as a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. Rice '579 does not show any divider aligned along a centerline of the platform and does not have first and second opposing vertical faces to which to apply pressure to rotate the platform. The claimed arrangement of the handle coupled to the stationary neck in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside

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portion of his or her foot is a unique and effective way of exercising the target muscles. The form of exercise in the present invention is believed to be superior to that taught by Rice.

The Rice '538 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. In Rice '538, the foot braces 34 are not aligned along a centerline of the platform. Moreover, the exercise equipment in Rice '538 is not compatible with using the divider as a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. The claimed arrangement of the handle coupled to the stationary shaft in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside portion of his or her foot is a unique and effective way of exercising the target muscles. Rice '538 has no such feature.

The Rice '761 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. In Rice '761, the foot rests 19 do not have first and second opposing vertical faces. Moreover, the exercise equipment in Rice '761 is not compatible with using the divider as a rotating

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leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. Rice '761 does not show any divider aligned along a centerline of the platform and does not have first and second opposing vertical faces to which to apply pressure to rotate the platform. The claimed arrangement of the handle coupled to the stationary neck in combination with the divider having first and second opposing vertical faces to which the user forces rotation of the platform through the inside portion of his or her foot is a unique and effective way of exercising the target oblique muscles. In Rice '579, the forces applied foot rests 19 are not normal to any first and second opposing vertical faces. The form of exercise in the present invention is believed to be superior to that taught by Rice.

The Gilman reference at least does not teach or suggest a stationary shaft rigidly coupled to the base to prevent rotation of the stationary shaft with respect to the base. In Gilman, the handle and shaft are allowed to rotate which defeats an important aspect of the exercise provided with the present invention. Moreover, Gilman does not disclose a divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of fixed height which provides a rotating leverage point of the rotatable platform when forces are applied normal to the first and second opposing vertical faces of the divider. The center fence in Gilman is not rigidly coupled to the platform nor is it fixed in height but rather retracts into the platform when depressed with a force. Thus, fence 16 cannot be same as the claimed divider aligned along a centerline and rigidly coupled to the platform, the divider having first and second opposing vertical faces of

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fixed height. The exercise equipment in the Gilman reference would not allow a user to maintain upper body substantially stationary by holding the handle and then apply forces through an inside portion of each foot normal to the first and second opposing vertical faces of the divider, respectively, to cause rotation of the platform with respect to the base and exercise the target oblique muscles. The retraction feature of fence 16 would oppose such action. The form of exercise in the present invention is believed to be superior to that taught by Gilman.

Claim 9, as amended, is believed to patentably distinguish over the Rice '579, Rice '538, Rice '761, and Gilman references. Claims 10-15 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Claim 16, as amended, recites an exercise apparatus to activate the oblique muscles of a body comprising a base having a fixed portion. An extendible shaft is rigidly coupled to the fixed portion of the base to prevent rotation of the shaft. A handle is coupled to the extendible shaft to allow for an upper portion of the body to be held in a stationary position. A foot plate is in rotational contact with a second portion of the base. The foot plate allows for a lower portion of the body to turn. A divider is aligned along a centerline and rigidly coupled to the foot plate. Forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate.

For similar reason given above, the Rice '579 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate. Rice '579 does not

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show any divider aligned along a centerline of the foot plate and does not have first and second opposing vertical faces to which to apply pressure to rotate the foot plate.

For similar reasons given above, the Rice '538 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate. In Rice '538, the foot braces 34 are not aligned along a centerline of the platform. Rice '538 does not consider application of forces normal to first and second opposing vertical faces of a single divider to cause rotation of the foot plate.

For similar reasons given above, the Rice '761 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate. Rice '579 does not show any divider aligned along a centerline of the foot plate and does not have first and second opposing vertical faces to which to apply pressure to rotate the foot plate.

For similar reasons given above, the Gilman reference at least does not teach or suggest an extendible shaft rigidly coupled to the fixed portion of the base to prevent rotation of the shaft. In Gilman, the handle and shaft are allowed to rotate which defeats an important aspect of the exercise provided with the present invention. Moreover, Gilman does not disclose a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate.

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Claim 16, as amended, is believed to patentably distinguish over the Rice '579, Rice '538, Rice '761, and Gilman references. Claims 17-18 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Claim 19, as amended, recites a method of manufacturing an exercise machine, comprising the steps of providing a base, providing a shaft rigidly coupled to the base to prevent rotation of the shaft with respect to the base, providing a handle coupled to the shaft, providing a platform in rotational contact with the base, and providing a divider aligned along a centerline and rigidly coupled to the platform which provides a rotating leverage point of the platform when forces are applied normal to first and second opposing vertical faces of the divider.

For similar reason given above, the Rice '579 reference at least does not teach or suggest the step of providing a divider aligned along a centerline and rigidly coupled to the platform which provides a rotating leverage point of the platform when forces are applied normal to first and second opposing vertical faces of the divider. Rice '579 does not show any divider aligned along a centerline of the foot plate and does not have first and second opposing vertical faces to which to apply pressure to rotate the platform.

For similar reasons given above, the Rice '538 reference at least does not teach or suggest the step of providing a divider aligned along a centerline and rigidly coupled to the platform which provides a rotating leverage point of the platform when forces are applied normal to first and second opposing vertical faces of the divider. In Rice '538, the foot braces 34 are not aligned along a centerline of the platform. Rice '538 does not

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consider use of the divider as a rotating leverage point upon application of forces normal to first and second opposing vertical faces of a single divider to cause rotation of the platform.

For similar reasons given above, the Rice '761 reference at least does not teach or suggest a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate. Rice '579 does not show any divider aligned along a centerline of the foot plate and does not use the divider as a rotating leverage point upon application of forces normal to first and second opposing vertical faces of a single divider to cause rotation of the platform.

For similar reasons given above, the Gilman reference at least does not teach or suggest the step of providing a shaft rigidly coupled to the base to prevent rotation of the shaft with respect to the base. In Gilman, the handle and shaft are allowed to rotate which defeats an important aspect of the exercise provided with the present invention. Moreover, Gilman does not disclose a divider aligned along a centerline and rigidly coupled to the foot plate, wherein forces applied normal to first and second opposing vertical faces of the divider causes the foot plate to rotate.

Claim 19, as amended, is believed to patentably distinguish over the Rice '579, Rice '538, Rice '761, and Gilman references. Claims 20-21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action rejects claims 7-8, 13, 17, and 20 under 35 U.S.C. 103 as being unpatentable over Gilman in view of

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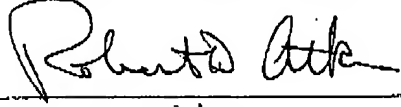
Twardokens. In view of the above amendments, claims 7-8, 13, 17, and 20 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicant(s) believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicant(s) invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
QUARLES & BRADY STREICH LANG LLP

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